

RELIEF OF OWNERS OF MINING CLAIMS.

JUNE 15, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. SHAFROTH, from the Committee on the Public Lands, submitted
the following

REPORT.

[To accompany S. 4439.]

The Committee on the Public Lands, to whom was referred Senate bill 4439, entitled "An act to relieve owners of mining claims who enlist in the military service of the United States for duty in the war with Spain from performing assessment work during such term of service," recommend the same for passage with the following amendments:

Insert in line 9, after the word "claims," the words "or parts of claims."

Insert after the word "army," in the tenth line of the said bill, the words "or navy."

Insert after the word "claim," in the twelfth line thereof, the words "or any part thereof."

Strike out all the balance of said section after the word "recorded," in the thirteenth line of the first page of said bill, and insert in lieu thereof the following:

shall be subject to forfeiture for nonperformance of the annual assessments until six months after said owner is mustered out of service, or, if he should not survive the war, then six months after his death in the service.

Also by inserting a new section, to be numbered 2, to read as follows:

That those desiring to take advantage of this act shall file or cause to be filed a notice in the clerk's office where the location certificate of said mine is recorded, before the expiration of the assessment year, giving notice of his enlistment and of his desire to hold said claim under this act.

Also by inserting a new section, to be numbered 3, to read as follows:

That if any such enlisted soldier or sailor has a co-owner or co-owners in any mining claim, and who are not in the Army or Navy, and such co-owner or co-owners fail to do such a proportion of one hundred dollars' worth of work per annum as the interest of such nonenlisted person or persons bears to the whole claim, then such interest shall be open to relocation by any other qualified person or persons by their doing the necessary work thereon, and filing an affidavit of labor showing the forfeiture, and that the relocators had done the annual work required of such nonenlisted persons and succeeded them in right under this act, which work may be done

at any time after the expiration of the assessment year and before the former owners resume work thereon. The work and affidavit aforesaid shall operate as a transfer of said forfeited interest from the former owners to said relocators.

The statutes of the United States require that the locator of each mining claim shall do \$100 worth of work each year upon the same, in order to retain his right to acquire title to the property. This work is called the annual assessment work.

A great many soldiers who are interested in mining claims have enlisted in the United States Army, and many from the Western States have been sent to the Philippine Islands. It is therefore impossible for them to do the assessment work upon their claims.

While they are in the service of the Government, risking their lives on the field of battle, there ought to be no possibility of them losing an interest in any mining claim they possess by a failure upon their part to do the annual assessment work.

The committee therefore recommends the passage of this bill. The amendments which are made to the Senate bill are for the purpose of protecting those soldiers and sailors who have undivided interests in mining claims, which, of course, should be protected just as well as where the claim is held entirely by the enlisted man.